**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

**THE HON'BLE SRI JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 18468 of 2005**

**Date: 23.08.2005**

Between:

B. Malakondaiah, S/o. Kondaiah,

R/o. Sirsilla, Karimnagar District.

PETITIONER

Vs.

The Commissioner and Director of Labour Department,

A.P., Hyderabad.

RESPONDENTS

**ORDER:**

This writ petition is filed by the petitioner seeking Writ of *Mandamus* declaring the action of the first respondent – the Commissioner and Director of Labour Department in not disposing of the application dated 01.07.2005 made by the petitioner for conciliation under the Industrial Disputes Act, 1947 (for short 'the Act'), as his services were terminated by the third respondent without following the procedure laid down under Section 25 F of the Act, as arbitrary and illegal and contrary to the provisions of the Act.

2. The petitioner claims that he was appointed as a Manager in the third respondent - theatre in the year 1994. But, however, his services were terminated by the third respondent orally, without serving any notice and without following the provisions of the Act. Therefore, he made a representation to the first respondent seeking initiation of conciliation proceedings to settle the dispute. But, however, the first respondent did not initiate any action. Hence, the petitioner has come up with the present writ petition. 3. Heard the learned counsel for the petitioner and the learned Government Pleader for Labour.

4. Admittedly, the petitioner was appointed as a Manager in the third respondent – theatre in the year 1994. But, however, his services were terminated recently, without serving any order or without complying with the provisions of the Act or the provisions of the Shops and Establishments Act. Therefore, the petitioner made a representation to the first respondent seeking initiation of conciliation proceedings to settle the dispute. But, however, the first respondent did not take any action.

5. If the petitioner's services were terminated without complying the provisions of Section 25F of the Act, he can move the labour Court raising an Industrial Dispute under Section 2-A(2) of the Act or otherwise he can as well approach the

appropriate authority or competent authority under the Shops and Establishments Act. But, he cannot seek any writ against the first respondent to initiate and complete the conciliation proceedings especially when the petitioner has got effective and alternative remedies as stated above.

6. Under the above circumstances, this Court declines to go into the merits and the writ petition is accordingly dismissed. However, the petitioner is at liberty to avail the alternative remedies that are available to him under the law.

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**S. Ananda Reddy, J**

Date: 23.08.2005

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